IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

OURPET'S COMPANY, Plaintiff, v. **LOVING PETS, CORP.**, Defendant.	)))))))))	Judge Polster Case No. 1:15-cv-768 **PLAINTIFF'S INITIAL DISCLOSURES UNDER FED. R. CIV. P. 26(a)(1)**

NOW COMES the Plaintiff, ***OurPet's Company***, and hereby submits its Initial Disclosures under Fed. R. Civ. P. 26(a)(1). These are initial disclosures, and Plaintiff reserves the right to supplement these as discovery and investigations continue.

A. Witnesses who may have knowledge:

a. Steve Tsengas, Ph.D., CEO, OurPet's Company. Dr. Tsengas may have information relevant to all claims and defenses, and particularly to the invention of the patent in suit. Dr. Tsengas may only be contacted through Plaintiff's counsel.

b. Scott Mendes, CFO, OurPet's Company. Mr. Mendes may have information relevant to all claims and defenses, and particularly to damages. Mr. Mendes may only be contacted through Plaintiff's counsel.

c. Sid Modi, Avanti Company, India. Mr. Modi may have information relevant to all claims and defenses, and particularly to the invention of the patent in suit. Mr. Modi may only be contacted through Plaintiff's counsel.

d. Eric Abbey, Loving Pets.

e. Daniel Nagy, Loving Pets.

f. Shane Layton, Loving Pets.

g. John D. Gugliotta, P.E., Esq., 3020 W. Market St., Ste. C, Fairlawn, Ohio 44333, Tel. (330) 253 – 2225. Mr. Gugliotta may have information relevant to the prosecution history of the patent in suit.

h. Fed. Civ. R. 30(b) witnesses with information relevant to design, manufacture, and marketing of the Accused Instrumentality.

i. All witnesses identified by Defendant in their initial disclosures.

B. Documents and Tangible Things:

A description by category and location of all documents, electronically stored information, and tangible things in the possession, custody, or control of Plaintiff, that Plaintiff may use to support its claims or defenses, unless solely for impeachment:

- All documents produced during discovery.
- All documents produced pursuant to the Local Patent Rules.
- All documents relating the prosecution history of the patents in suit.
- All documents relating the invention of the patents in suit. Location: OurPet's Company, Fairport Harbor, Ohio, and/or its patent attorney, John D. Gugliotta.
- All documents concerning the marketing and sales of Plaintiff's patented products for purposes of establishing damages and lost profits. Location: OurPet's Company, Fairport Harbor, Ohio. All relevant, non-privileged documents will be made available for inspection and copying upon request once a suitable Protective Order has been entered.

Plaintiff will supplement these disclosures as discovery progresses.

C. Computation of Damages:

Plaintiff seeks damages, including enhanced damages for willful infringement, plus attorney's fees, for each accused article made, used, marketed, sold, and/or imported.

Sales numbers have not yet been provided to Plaintiff. Plaintiff seeks lost profits, and an award of attorney's fees pursuant to statutory authority (35 USC § 285 *et seq.*) and case law (*Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, Case No. 12–1184 (Apr. 29, 2014); and *Highmark Inc. v. Allcare Health Mgmt. Sys., Inc.*, Case No. 12–1163 (Apr. 29, 2014)).

D. Insurance:

No insurance is known to be responsible to any claims or defenses in this case.

Most Respectfully Submitted,

/s/ David A. Welling
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Counsel for the Plaintiff

CERTIFICATE OF SERVICE

This is to certify that on this 18th day of August, 2015, that a copy of the foregoing was sent via electronic mail to defense counsel of record, and via the Court's electronic filing system.

/s/ David A. Welling
C. VINCENT CHOKEN (0070530)
DAVID A. WELLING (0075934)

Counsel for the Plaintiff